

SENATE BILL 2355

By Jackson

AN ACT to amend Chapter 308 of the Private Acts of 1923; as amended by Chapter 555 of the Private Acts of 1925; Chapter 281 of the Private Acts of 1927; Chapter 110 of the Private Acts of 1931, E.S.; Chapter 9 of the Private Acts of 1937, 2nd E.S.; Chapter 18 of the Private Acts of 1937, 1st E.S.; Chapter 508 of the Private Acts of 1941; Chapter 374 of the Private Acts of 1949; Chapter 357 of the Private Acts of 1953; Chapter 7 of the Private Acts of 1953; Chapter 237 of the Private Acts of 1959; Chapter 255 of the Private Acts of 1959; Chapter 215 of the Private Acts of 1963; Chapter 129 of the Private Acts of 1965; Chapter 119 of the Private Acts of 1967; Chapter 83 of the Private Acts of 1981; Chapter 20 of the Private Acts of 1987; Chapter 174 of the Private Acts of 1994 and Chapter 124 of the Private Acts of 2000; and any other acts amendatory thereto, relative to the Charter of the City of Hohenwald.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 308 of the Private Acts of 1923, as amended by Chapter 555 of the Private Acts of 1925; Chapter 281 of the Private Acts of 1927; Chapter 110 of the Private Acts of the 1931 extraordinary session; Chapter 9 of the Private Acts of the 1937 second extraordinary session; Chapter 18 of the Private Acts of the 1937 first extraordinary session; Chapter 508 of the Private Acts of 1941; Chapter 374 of the Private Acts of 1941; Chapter 7 of the Private Acts of 1953; Chapter 357 of the Private Acts of 1953; Chapter 237 of the Private Acts of 1959; Chapter 255 of the Private Acts of 1959; Chapter 215 of the Private Acts of 1963; Chapter 129 of the Private Acts of 1965; Chapter 119 of the Private Acts of 1967; Chapter 83 of the Private Acts of 1981; Chapter 20 of the Private Acts of 1987; Chapter 174 of the Private Acts of 1994 and Chapter 124 of the Private Acts of 2000; and any other acts amendatory thereto, is amended by deleting such chapter, as amended, in its entirety and by substituting instead the following language to be the charter of the City of Hohenwald:

Section 1.

(a) Act Constitutes City Charter. The city of Hohenwald, Tennessee, shall continue as a municipal corporation and body politic to be known and designated as the City of Hohenwald.

(b) Boundaries. The boundaries of Hohenwald shall be those fixed by Chapter 308 of the Private Acts of 1923, as amended by Chapter 508 of the Private Acts of 1941; Chapter 374 of the Private Acts of 1949 and Chapter 357 of the Private Acts of 1953; and any other acts amendatory thereto, and as extended and contracted by ordinances of the City passed under the general law of the state governing annexations and contractions; and as further amended pursuant to the general laws of the State of Tennessee, and any subsequent annexations or detachments of territory made pursuant to law.

(c) General Powers of the City. The city shall have perpetual succession and the power to sue and be sued. It may purchase, sell, receive, hold, lease, mortgage or dispose of property, real, personal or mixed, in fee simple, or lesser estate, located either within or without said city or state, to the same extent as natural persons, and it may condemn the same within or without Lewis County for corporate purposes, in accordance with general law. It shall have all powers that are now or may hereafter be granted to municipalities of the classification by population as this municipality may have, that are general in their nature, under the Constitution and laws of the state of Tennessee, and said general powers are in addition to any special powers hereby granted, and are not in derogation of any such special powers. And it may have a common seal, which it may alter at pleasure. In addition, the council has the authority to:

(1) Levy and collect taxes for general purposes;

(2) Make assessments on all subjects or objects of taxation, property, real and personal and mixed, and privileges that may now or hereafter be taxable by the laws of the state, county or municipality, and to make such classification of the subjects and objects of taxation as may not be contrary to the law;

(3) Provide the manner of assessing for taxation of businesses, and to prescribe the periods of time to be considered in computing and determining the taxable value thereof, in accordance with general law;

(4) Borrow money, in anticipation of revenue;

(5) Issue bonds from time to time to provide for public works projects as defined in the Tennessee Code Annotated § 9-21-105. Authority under this Act is not exclusive, but it is expressly provided that in addition to these powers this municipality may exercise similar powers granted under other or general acts now in force or that may hereafter be enacted;

(6) Appropriate the funds of the municipality for all lawful municipal purposes; to provide for the payment of the debts, expenses and obligations of this corporation, and of that to which it is the successor. Additional appropriations may be made subsequent to the adoption of the budget if additional revenues are received, or to make corrections in the budget;

(7) Make an annual budget and provide for its administration. The budget shall be prepared and executed in accordance with the Municipal Budget Law established in Tennessee Code Annotated, Title 6, Chapter 56, Part 2;

(8) Construct, and/or improve, by opening, extending, widening, grading, curbing, guttering, paving, graveling, macadamizing, draining or otherwise improving any streets, highways, avenues, alleys or other public places within the corporate limits, and assess a portion of the cost of these improvements on the property abutting on or adjacent to these streets, highways or alleys under, and as provided by Tennessee Code Annotated, Title 7, Chapters 32 and 33;

(9) Take and appropriate land, either within or without the municipality or county for establishing, extending or widening streets, highways, avenues, sidewalks, tunnels, squares, alleys, promenades, park areas, or parks, sewers, electric light or power, lights, power and heating plants, municipal hall or buildings, waterworks, or routes for water mains or surface pumping stations, settling basin, or reservoir or stand-pipes or other necessary appurtenances or

places for said purposes enumerated and in accordance with the provisions of the Tennessee Code Annotated §§ 7-31-107 through 7-31-111, and the damages for such taking shall be established for such property thus taken by the method provided by Tennessee Code Annotated § 29-16-114, or the act from which said section is taken;

(10) Make or enforce rules and regulations to secure the general health of the inhabitants in accordance with general law; to prevent the spread or introduction of contagious, communicable, or venereal diseases in this municipality, to comply with the state department of health rules regarding isolation or quarantine of diseases as required by general law; to declare what constitutes nuisances against the health and safety of the inhabitants of the municipality, and to provide for the abatement of the same as far as one (1) mile beyond the corporate limits; to define, prohibit, abate, suppress, prevent and regulate all acts, practices, conduct, business, occupation, callings, trades, uses of property and all other things whatsoever detrimental, or liable to be detrimental to the health, morals, comfort, safety, conveniences, or welfare of the inhabitants of the municipality, and to exercise general police powers to prevent and abate the same, and to prescribe limits within which business, occupations and practices are liable to become nuisances or detrimental to health, morals, the security, or general welfare of the people, may be lawfully established, conducted, or maintained, and to provide for the abatement or cutting of weeds within the municipality, or the temporary or permanent closing of wells or springs used by the public whenever the same are injurious to health, and for the removal of fixtures, walls, buildings, awnings, or structures when the same become dangerous or a menace to the health, security or convenience of the inhabitants of this municipality;

(11) Regulate adult oriented establishments, pornographic materials and the sale of beer or alcoholic beverages as allowed by law;

(12) Regulate, restrain, prevent, or suppress any business which may be or become dangerous in causing or producing fires; and prohibit or suppress the use and sale of firecrackers, fireworks, or any other business of any kind which may be declared to be dangerous to the security of the inhabitants or property of this municipality only in accordance with general law;

(13) Regulate or prohibit the storage of explosives, combustibles, and inflammable material of every character;

(14) Regulate, tax, license or suppress the treatment and keeping or going at large of animals within the municipality, impound them, and in default of redemption, sell or kill them;

(15) Provide for enclosing, improving and regulating a municipal cemetery or burying ground, whether within or without the corporate limits, and to construct and maintain a highway thereto, and to have the power of condemning additional ground for such cemetery, under the laws as stated heretofore in subsection (9);

(16) Regulate the location, the bulk, occupancy, area, height, construction, and materials of all buildings and structures, or buildings, structures and billboards, in accordance with general law, and to inspect all buildings, lands and places as to their condition for health cleanliness and safety, and, when necessary, prevent the use thereof, and require any alteration or change necessary to make them healthful, clean or safe; to compel the owners to provide fire escapes, for the safety of occupants, to provide fire districts or zones, and building regulations therein; to provide for the removal of any house, cistern, well or structure which may become dangerous or deleterious to the inhabitants, after due notice, and to provide for a penalty for failure of the owner or agent or occupant to comply with the requirements, and to pay for any cost for its removal;

(17) Grant rights-of-way through the streets, avenues squares, or over bridges, viaducts, or highways of this municipality for the use of public or quasi-public utilities;

(18) Provide for the prevention and extinguishment of fires, and the organization and establishment of fire companies, equipment, houses or stations for the same;

(19) Create a Parks and Recreation Board and define its powers and duties;

(20) Acquire, construct, own, operate and maintain or sell, lease, mortgage, pledge, or otherwise dispose of public utilities for light, water or heat, or any estate or interest therein for service to the municipality or its service areas, or its inhabitants, or any part thereof;

(21) Grant to any person or corporation franchises for public utilities or public services, to be furnished to the municipality and its inhabitants, all necessary franchises. Such power to grant franchises shall embrace the power here conferred to grant exclusive franchises and whenever an exclusive franchise is granted it shall be exclusive not only against any other person or corporation, but against the municipality itself. Franchises may be granted for a period of not longer than twenty-five (25) years, and upon the terms contained in the franchise agreement. The franchises shall apply to any territory within the corporate limits at the time of its grant, or that may be brought in at a later date;

(22) Make contracts with any person or corporation for public utilities and public services to be furnished to the municipality and its inhabitants; the power to make contracts shall embrace the power here expressly conferred to make exclusive contracts, and when an exclusive contract is entered into it shall be exclusive not only against other persons, or corporations, but also against other persons, or corporations, but also against the municipality itself. Such contracts may be entered into for a period not exceeding twenty-five (25) years. The city council may prescribe, in each contract entered into, the right fares, charges, terms and regulations that may be made by the person or corporation with whom the contract is made; such contracts may, by their terms, apply to that territory within the limits of the municipality at the date of the contract, and as the

corporate limits thereafter may be enlarged, and to the existing streets and thoroughfares, or those that may be thereafter opened;

(23) Provide for a police force and a municipal court;

(24) Condemn property for a public purpose within or without the city in accordance with general law and to administer trusts for the public benefit;

(25) Call and provide for all municipal elections, as provided herein and by state election laws;

(26) Have and exercise all powers which now, or which may hereafter be competent for this Act specifically to enumerate, as fully and as completely as though said powers were specifically enumerated herein;

(27) Provide for fines, forfeitures and penalties, for the breach of any ordinance of the city, and for the confinement and detention of persons who violate municipal ordinances or laws within the corporate limits of the city. No penalty shall exceed state authorized maximum limits and costs;

(28) Pass all ordinances necessary for the health, safety, convenience and general welfare of the inhabitants of the municipality, and carry out to the full intent the corporate purposes and meaning of this Act, as fully as if specifically authorized;

(29) Assess against abutting property within the corporate limits the cost of planting shade trees, removing from sidewalks all accumulations of snow, ice, and earth, cutting and removing obnoxious weeds and rubbish, street lighting, street sweeping, street sprinkling, street flushing, and street oiling, the cleaning and rendering sanitary or removal, abolishing, and prohibiting of closets and privies, in such manner as may be provided by general law or by ordinance of the council; and

(30) Codify its ordinances at any time the mayor and city council deems advisable.

Section 2.

(a) City Council Defined. The city council consists of the mayor and four council members.

(b) Election of City Council.

(1) No person shall be eligible to hold the office of council member or of mayor unless the person has been a resident of the city for twelve (12) months prior to the date of the election and is eligible to be a registered voter in the city of Hohenwald, Tennessee. A candidate shall run separately and individually for the position of mayor.

(2) No candidate for any office under this Act shall directly or indirectly give or promise any person or persons anything of value, or any office, employment, benefit or money for the purpose of influencing or obtaining political support, aid or vote for any candidate in any municipal election, and a violation of this provision shall be a bar to such person holding office in this municipality for a period of five (5) years.

(c) Voter Qualifications and Election Dates.

(1) All persons who are entitled to vote for members of the General Assembly under the General Election Laws of the State of Tennessee and who reside within the city shall be entitled to vote in city elections; provided, all persons residing outside the city limits, having owned a taxable freehold within the corporation for a period of six (6) months next preceding the date of said election, and being otherwise qualified, shall also be entitled to vote at said election. No more than any two (2) owners of such property may vote and the parcel or tract shall be at least ten thousand (10,000) square feet or having an appraised value for real property tax purposes of at least five thousand dollars (\$5,000).

(2) On the first Thursday in May 2007, there shall be elected four council members and a mayor to serve for four (4) year terms. In the event of a tie, the city shall call a run-off election to be held between the tied candidates.

Incumbents shall remain in office until their replacements are duly elected. The

regulations and manner for holding said elections shall be according to the provisions of state election laws.

(d) Oath of Office. The mayor and council members shall take the following oath before entering on the duties of their respective offices:

"I do solemnly swear (or affirm) that I will support the Constitution and laws of the United States and of the state of Tennessee, and the charter and ordinances and resolutions of the City of Hohenwald, and will faithfully discharge the duties of my office without favor or fear, and alone for the public good, so help me God."

(e) Council Vacancies.

(1) Vacancies in the office of councilmen shall be filled by an election of the council. Such officials shall serve until the next municipal election.

(2) In case of a vacancy in the office of mayor, the vice-mayor shall fill the unexpired term of the mayor thus vacating the vice-mayor's office; in this case, the city council shall then fill the unexpired term of the vice-mayor as provided herein. The office of any council member or mayor who is no longer a resident of the city shall be vacant.

(f) Meetings and Quorum. The city council has the authority in a public assembled session with a quorum present, either regular, special or called, to exercise all expressly granted and implied powers. Three affirmative votes are required for any measure to be adopted. Three members of the city council, which may include the mayor, constitute a quorum; however, a smaller number may adjourn from time to time and compel the attendance of absent members. The city council shall:

(1) Determine its rules of procedure and provide for their enforcement;

(2) Elect a vice-mayor, who shall have the powers and duties of mayor during the absence, disability or vacancy in the office of mayor;

(3) Determine the place, date and hour of its meetings;

(4) Adjourn or call meetings and prescribe how "called" meetings shall be called;

(5) Provide and keep all necessary books, accounts, statements, etc., and minutes of its own proceedings, and tax rolls and tax receipts; and

(6) Take proof, either oral or by deposition, and administer oaths or affirmances in case of trials held before it.

(g) Ouster. Any council member may be removed for the causes and in the manner provided by the general ouster laws of the state. A petition requiring twenty-five percent (25%) of the registered city voters shall be required to call a referendum on the ouster of a council member.

(h) Compensation.

(1) The compensation of the city council, excluding the mayor, shall be fifty dollars (\$50.00) per regular or called meeting, payable at the end of each month. The compensation of the mayor shall be one thousand three hundred and thirty three dollars and thirty three cents (\$1,333.33) per month payable monthly. The compensation of the mayor and council members may not be diminished nor increased during their term of office, however the mayor, while performing the duties of a city administrator, may be additionally compensated by the board with funds budgeted for such administration.

(2) Any mayor or council member who has served for ten or more years in an elected or appointed capacity and has reached the age of sixty five (65) may receive as compensation for time served supplemental health insurance to be paid by the city; provided, however, the ten year service requirement shall not apply to officials in office prior to 1994.

(i) Reserved.

(j) Ordinances.

(1) No ordinance shall be introduced before the council unless having first been laid upon the desk of the city recorder and no such ordinance shall become effective without having been passed on at least two (2) readings and no more than one (1) reading shall be had on any one day. However, the annual budget ordinance shall require, a third reading. Before any ordinance shall

become effective, it shall receive not fewer than three (3) affirmative votes.

Every ordinance and amendment shall be retained in the custody of the recorder.

All ordinances, when they have been finally passed or adopted, shall be signed by the mayor. A record of all yes and no votes shall be entered into the minutes for all ordinance votes.

(2) Any franchise, renewal or sale or lease of the utilities owned by the municipality shall be authorized by the city council and any bonds issued relating to such utilities shall comply with the Local Government Public Obligations Law in the same manner as provided for the issuance of bonds under Section 4, subsection (c) of this Act.

(3) All ordinances shall contain the following enacting clause:

"Be it enacted by the city council of Hohenwald," and they shall take effect immediately upon final passage, or at a time fixed within the ordinance.

(k)

(1) Mayoral Duties. The mayor:

(A) Shall be the chief executive officer of the municipality and shall preside at meetings of the board;

(B) Shall communicate any information needed, and recommend measures the mayor deems expedient to the city council;

(C)

(i) Shall make temporary appointments of any officer or department head appointed by the mayor or the council, except that of councilman, arising from the absence, sickness or disability of any such officer or department head, and shall report such appointment to the city council at its next regular meeting;

(ii) The city council may confirm or reject the mayor's temporary appointments, or, at its discretion, make its own

temporary appointments. The board shall make appointments to fill vacancies in office;

(D)

(i) May call special meetings of the city council upon adequate notice to the board and adequate public notice;

(ii) Shall state the matters to be considered at the special meeting and the action of the city council shall be limited to those matters submitted;

(E) Shall countersign checks and drafts drawn upon the treasury by the treasurer and sign all contracts to which the municipality is a party;

(F) As a member of the city council, may make motions and shall have a vote on all matters coming before the board; and

(G) Shall make appointments to boards and commissions as authorized by law.

(2) Unless a city administrator is designated by the city council by ordinance, the mayor shall perform the following additional duties:

(A) Those duties set forth in Section 3, subsection (b) of this Act, if the city council does not appoint a city administrator;

(B)

(i) Recommend employment and promotion of all city employees, with confirmation by the city council, in accordance with personnel policies and procedures, if any, adopted by the city council;

(ii) Have the authority to discipline, suspend and discharge all employees except the city recorder and auditor;

(iii) Nothing in this Act shall be construed as granting a property interest to employees or department heads in their continued employment;

(C) Act as purchasing agent for the municipality in the purchase of all materials, supplies and equipment for the proper conduct of the municipality's business; provided, that all purchases shall be made in accordance with policies, practices and procedures established by the city council as authorized by general law;

(D) Prepare and submit the annual budget and capital program to the city council for their adoption by ordinance; and

(E) Such other duties as may be designated or required by the city council.

Section 3. Personnel.

(a) Personnel Generally. The city council shall determine by ordinance the functions and duties of all departments and offices. The city council through the budget ordinance may establish, abolish, merge, or consolidate offices, positions of employment, departments, and agencies of the city. The city council may create departments as it deems necessary.

(b) City Administrator.

(1) The city council may appoint a city administrator who shall be under the control and direction of the council. The city administrator shall report and be responsible to the council.

(2) The city council may, by ordinance, require the city administrator to perform any or all of the following duties:

(A) Administer the business of the municipality;

(B) Make recommendations to the city council for improving the quality and quantity of public services to be rendered by the officers and employees to the inhabitants of the municipality;

(C) Keep the city council fully advised as to the conditions and needs of the municipality;

(D) Report to the city council the condition of all property, real and personal, owned by the municipality and recommend repairs or replacements as needed;

(E) Recommend to the city council and suggest the priority of programs or projects involving public works or public improvements that should be undertaken by the municipality;

(F) Recommend specific personnel positions, as may be required for the needs and operations of the municipality, and propose personnel policies and procedures for approval of the city council;

(G) Administer the city's personnel policies and procedures and recommend employment of staff; and

(H) Perform such other duties as may from time to time be designated or required by the city council.

(3) Qualifications, compensation and benefits. The qualifications, compensation, and benefits for the position of city administrator shall be as determined by the city council.

(c) City Recorder. The city council shall appoint and confirm the city recorder. The city recorder may only be dismissed by the city council. The city recorder shall be a resident of the city of Hohenwald. The recorder shall keep all records, minutes, and books, ordinances, resolutions, contracts and agreements, and financial records safely; be responsible for and account for all moneys belonging to the city that may come into the recorder's, possession, or for which the recorder may be responsible; to sign all warrants for any expenses of the city; to act as tax collector of the city; and perform other duties as directed by the city administrator. The city council may designate the city recorder to serve as city treasurer.

(d) City Judge.

(1) The mayor, subject to the confirmation of the city council members, shall appoint a city judge who shall preside over the city court. He shall receive such compensation as is provided by ordinance. The city judge shall meet the qualifications established by the city council. The city judge may be removed from his office by a majority vote of the city council.

(2) The city judge shall comply in all respects with the "Municipal Court Reform Act of 2004, codified as Tennessee Code Annotated, Title 16, Chapter 18, Part 3. He shall have jurisdiction over all persons charged with violation of the ordinances of the city. He may levy fines, penalties and forfeitures not exceeding state authorized maximum limits for each offense; impose costs authorized by ordinance; issue all necessary process; administer oaths; and punish for contempt by fine.

(3) The city judge shall keep a docket. The city council may by ordinance require such other records, fix the time for holding court, and provide such other rules and regulations not in contravention of general law for the proper functioning of the court as deemed necessary.

(e) Chief of Police.

(1) The city administrator shall recommend the appointment of a chief of police who shall have the power to make arrests, to preserve peace, and supervise and control all city police officers. He shall reside within Lewis County and shall meet the state requirements of a police officer.

(2) It shall be the duty of the chief of police and all police officers to enforce the laws of the state and the ordinances and orders of this municipality, to preserve the public peace, to suppress riots, to protect the rights of persons and the right of property, to protect the public health, to preserve order at elections, to assist, advise and protect travelers, strangers and citizens while within the municipality, or upon the public

streets, or at the railway stations, and to do such other things as directed by the council and as authorized by state law.

(f) City Attorney. The mayor with the approval of the city council, may employ a city attorney upon terms and conditions fixed by ordinance, and at such times as his services may be required, or to look after any special or general litigation, or other work requiring legal knowledge. It shall be the duty of the city administrator to approve all payments made to the city attorney, prior to presentation for payment.

(g) Fire Chief. The city administrator shall recommend the appointment of a chief of the fire department, who shall organize and supervise a fire department. The department shall operate and be governed by the rules and regulations adopted by the city council and various fire safety codes adopted by the city and the state.

(h) Oaths. The city administrator, city recorder, all police officers, and other employees and officials designated by the city council, are required to subscribe to the following oath of office:

"I do solemnly swear (or affirm) that I will support the Constitution and laws of the United States and of the State of Tennessee, and the charter and ordinances and resolutions of the City of Hohenwald, and will faithfully discharge the duties of my office without favor or fear, and alone for the public good, and I shall obey such laws, so help me God."

(i) Bonding. The city council may require every officer, agent and employee having duties embracing the receipt, disbursement, custody, or handling of money, before entering upon his duties, to execute a surety bond with some surety company authorized to do business in the state of Tennessee, as surety, in an amount prescribed by ordinance. All bonds and sureties shall be subject to the approval of the city council, and the city council may provide for blanket bonds. The cost of all bonds shall be paid by the city.

Section 4. Finance.

(a) Taxation. The city of Hohenwald, Tennessee, is expressly authorized to assess, levy and collect taxes upon all property and privileges within its limits, which are subject to taxation by the laws of the state of Tennessee and to assess, levy and collect taxes on all subjects or objects of taxation either for general or special purposes not expressly prohibited by the general laws of the state of Tennessee.

(b) Budget. The city shall follow the requirements set forth in the Municipal Budget Law and the Municipal Purchasing Law as found in Tennessee Code Annotated, Title 6.

(c) Tax Anticipation Borrowing. The city council, for the sole purpose of meeting the necessary expenses within appropriations, may borrow money in an amount not to exceed fifty percent (50%) of the anticipated revenues for the current fiscal year. The notes must mature during the current fiscal year and must be paid from budgeted revenues. The city council may issue bonds under the provisions of the Local Government Public Obligations Law, compiled in Tennessee Code Annotated, Title 9, Chapter 21.

(d) Accounting and Audits. All departments and agencies of the city, including utilities, shall install and maintain adequate accounting records in accordance with generally accepted principles of municipal accounting. The same account titles shall be used throughout the accounting records, the budget and financial statements. Constant and comprehensive budgetary control shall be maintained. An audit of the financial affairs of the city shall be made after the end of each fiscal year by a certified public accountant approved by the state comptroller's office. Any taxpayer may file a bill in a chancery court to compel the board to have the audit made if the audit is not performed as required by law.

(e) Authority to Contract. No member of the council or any other person may make any contract for or create any liability on behalf of the city, except by express authority of the city council.

(f) Officers Not to be Interested in City Contracts or Work. The city council shall comply with the conflict of interest provisions found in Tennessee Code Annotated, Title 12.

(g) Officers Liable for Diverted Funds. The mayor or any officer or employee or person entrusted with the collection or disbursement of the funds of the municipality who creates, or takes part in creating, any liability against the city beyond the expenses fixed in the budget, or who diverts appropriated funds, except a transfer or diversion made in accordance with the terms of this Act, is civilly liable to the city upon complaint of taxpayers of the city, for the excess and loss to the city, together with the principal and interest and reasonable expenses of collection.

(h) Use of Public Property for Private Gain Prohibited. The mayor, the city council, and each and every other officer or agent of the city is prohibited from using or employing or appropriating the revenues, assets, equipment, property or taxes of the city for any purpose except for strictly municipal and local purposes, and in accordance with the provisions of this Act.

Section 5. Miscellaneous.

(a) City Reference. The word "city" or "municipality," wherever they may occur, refer to the City of Hohenwald; wherever the word "county" occurs it refers to Lewis County, and wherever the words "city council" are used, reference is made to the board of mayor and city council.

(b) City Property to be Held in Trust and Used for Designated Purposes. The streets, highways, alleys, public squares, and sidewalks and parks are held in trust for public use; the public and municipal buildings and property belonging to the municipality shall be used exclusively and alone for the purposes for which they are established by the municipality.

(c) Liberal Construction. In the construction of any portion of this Act whose meaning or application is in dispute, it is intended that its phraseology shall be liberally constructed to affect the substantial objects of the Act.

(d) Continuance. All ordinances, laws, resolutions, by-laws, and assessments duly enacted and in force when this Act becomes effective, and not inconsistent with its provisions, are not repealed, but remain in full force and effect until repealed, modified, amended or altered, in accordance with the provisions of this Act.

(e) Gender. Whenever, in this Charter, "man," "men," "him," "his," "he," or their related pronouns appear either as words or as parts of words, they have been used for literary purposes and are meant in their generic sense i.e., to include all human kind, both female and male.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Hohenwald. Its approval or nonapproval shall be proclaimed by the presiding officer of the city of Hohenwald and certified to the secretary of state.

SECTION 4. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 3.